



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3945

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

20 ILCS 3855/1-40
30 ILCS 105/6z-100
30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the Illinois Power Agency Act. Provides that moneys in the Illinois Power Agency Operations Fund may be used by the Executive Ethics Commission for certain expenditures related to the Executive Ethics Commission's oversight of the Illinois Power Agency and the exercise of procurement authority in accordance with the Illinois Procurement Code. Amends the State Finance Act. Provides that moneys in the Capital Development Board Revolving Fund and the Road Fund may be used by the Executive Ethics Commission for certain expenditures related to the exercise of procurement authority in accordance with the Illinois Procurement Code. Makes other changes. Contains a severability provision. Effective July 1, 2015.

LRB099 07387 SXM 27503 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Power Agency Act is amended by
5 changing Section 1-40 as follows:

6 (20 ILCS 3855/1-40)

7 Sec. 1-40. Illinois Power Agency Operations Fund.

8 (a) The Illinois Power Agency Operations Fund is created as
9 a special fund in the State treasury.

10 (b) The Illinois Power Agency Operations Fund shall be
11 administered by the Agency for the Agency's operations as
12 specified in this Section.

13 (c) All moneys used by the Agency from the Illinois Power
14 Agency Operations Fund are subject to appropriation by the
15 General Assembly.

16 (d) All disbursements from the Illinois Power Agency
17 Operations Fund shall be made only upon warrants of the State
18 Comptroller drawn upon the State Treasurer as custodian of the
19 Fund upon vouchers signed by the Director or by the person or
20 persons designated by the Director for that purpose. The
21 Comptroller is authorized to draw the warrant upon vouchers so
22 signed. The State Treasurer shall accept all warrants so signed
23 and shall be released from liability for all payments made on

1 those warrants.

2 (e) Moneys in the Illinois Power Agency Operations Fund may
3 be used by the Executive Ethics Commission, subject to
4 appropriation, for expenditures for personal services,
5 retirement, social security, contractual services, legal
6 services, travel, commodities, printing, equipment, electronic
7 data processing, or telecommunications related to (1) the
8 Executive Ethics Commission's oversight of the Illinois Power
9 Agency and (2) the exercise of procurement authority in
10 accordance with the Illinois Procurement Code.

11 (Source: P.A. 95-481, eff. 8-28-07.)

12 Section 10. The State Finance Act is amended by changing
13 Sections 6z-100 and 8.3 as follows:

14 (30 ILCS 105/6z-100)

15 (Section scheduled to be repealed on July 1, 2016)

16 Sec. 6z-100. Capital Development Board Revolving Fund;
17 payments into and use. All monies received by the Capital
18 Development Board for publications or copies issued by the
19 Board, and all monies received for contract administration
20 fees, charges, or reimbursements owing to the Board shall be
21 deposited into a special fund known as the Capital Development
22 Board Revolving Fund, which is hereby created in the State
23 treasury. The monies in this Fund shall be used by the Capital
24 Development Board, as appropriated, for expenditures for

1 personal services, retirement, social security, contractual
2 services, legal services, travel, commodities, printing,
3 equipment, electronic data processing, or telecommunications.
4 Moneys in the Fund may be used by the Executive Ethics
5 Commission, subject to appropriation, for expenditures for
6 personal services, retirement, social security, contractual
7 services, legal services, travel, commodities, printing,
8 equipment, electronic data processing, or telecommunications
9 related to the exercise of procurement authority in accordance
10 with the Illinois Procurement Code. Unexpended moneys in the
11 Fund shall not be transferred or allocated by the Comptroller
12 or Treasurer to any other fund, nor shall the Governor
13 authorize the transfer or allocation of those moneys to any
14 other fund. This Section is repealed July 1, 2016.

15 (Source: P.A. 98-674, eff. 6-30-14.)

16 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

17 Sec. 8.3. Money in the Road Fund shall, if and when the
18 State of Illinois incurs any bonded indebtedness for the
19 construction of permanent highways, be set aside and used for
20 the purpose of paying and discharging annually the principal
21 and interest on that bonded indebtedness then due and payable,
22 and for no other purpose. The surplus, if any, in the Road Fund
23 after the payment of principal and interest on that bonded
24 indebtedness then annually due shall be used as follows:

25 first -- to pay the cost of administration of Chapters

1 2 through 10 of the Illinois Vehicle Code, except the cost
2 of administration of Articles I and II of Chapter 3 of that
3 Code; and

4 secondly -- for expenses of the Department of
5 Transportation for construction, reconstruction,
6 improvement, repair, maintenance, operation, and
7 administration of highways in accordance with the
8 provisions of laws relating thereto, or for any purpose
9 related or incident to and connected therewith, including
10 the separation of grades of those highways with railroads
11 and with highways and including the payment of awards made
12 by the Illinois Workers' Compensation Commission under the
13 terms of the Workers' Compensation Act or Workers'
14 Occupational Diseases Act for injury or death of an
15 employee of the Division of Highways in the Department of
16 Transportation; or for the acquisition of land and the
17 erection of buildings for highway purposes, including the
18 acquisition of highway right-of-way or for investigations
19 to determine the reasonably anticipated future highway
20 needs; or for making of surveys, plans, specifications and
21 estimates for and in the construction and maintenance of
22 flight strips and of highways necessary to provide access
23 to military and naval reservations, to defense industries
24 and defense-industry sites, and to the sources of raw
25 materials and for replacing existing highways and highway
26 connections shut off from general public use at military

1 and naval reservations and defense-industry sites, or for
2 the purchase of right-of-way, except that the State shall
3 be reimbursed in full for any expense incurred in building
4 the flight strips; or for the operating and maintaining of
5 highway garages; or for patrolling and policing the public
6 highways and conserving the peace; or for the operating
7 expenses of the Department relating to the administration
8 of public transportation programs; or, during fiscal year
9 2012 only, for the purposes of a grant not to exceed
10 \$8,500,000 to the Regional Transportation Authority on
11 behalf of PACE for the purpose of ADA/Para-transit
12 expenses; or, during fiscal year 2013 only, for the
13 purposes of a grant not to exceed \$3,825,000 to the
14 Regional Transportation Authority on behalf of PACE for the
15 purpose of ADA/Para-transit expenses; or, during fiscal
16 year 2014 only, for the purposes of a grant not to exceed
17 \$3,825,000 to the Regional Transportation Authority on
18 behalf of PACE for the purpose of ADA/Para-transit
19 expenses; or, during fiscal year 2015 only, for the
20 purposes of a grant not to exceed \$3,825,000 to the
21 Regional Transportation Authority on behalf of PACE for the
22 purpose of ADA/Para-transit expenses; or for any of those
23 purposes or any other purpose that may be provided by law.

24 Appropriations for any of those purposes are payable from
25 the Road Fund. Appropriations may also be made from the Road
26 Fund for the administrative expenses of any State agency that

1 are related to motor vehicles or arise from the use of motor
2 vehicles.

3 Beginning with fiscal year 1980 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement;

9 1. Department of Public Health;

10 2. Department of Transportation, only with respect to
11 subsidies for one-half fare Student Transportation and
12 Reduced Fare for Elderly, except during fiscal year 2012
13 only when no more than \$40,000,000 may be expended and
14 except during fiscal year 2013 only when no more than
15 \$17,570,300 may be expended and except during fiscal year
16 2014 only when no more than \$17,570,000 may be expended and
17 except during fiscal year 2015 only when no more than
18 \$17,570,000 may be expended;

19 3. Department of Central Management Services, except
20 for expenditures incurred for group insurance premiums of
21 appropriate personnel;

22 4. Judicial Systems and Agencies.

23 Beginning with fiscal year 1981 and thereafter, no Road
24 Fund monies shall be appropriated to the following Departments
25 or agencies of State government for administration, grants, or
26 operations; but this limitation is not a restriction upon

1 appropriating for those purposes any Road Fund monies that are
2 eligible for federal reimbursement:

3 1. Department of State Police, except for expenditures
4 with respect to the Division of Operations;

5 2. Department of Transportation, only with respect to
6 Intercity Rail Subsidies, except during fiscal year 2012
7 only when no more than \$40,000,000 may be expended and
8 except during fiscal year 2013 only when no more than
9 \$26,000,000 may be expended and except during fiscal year
10 2014 only when no more than \$38,000,000 may be expended and
11 except during fiscal year 2015 only when no more than
12 \$42,000,000 may be expended, and Rail Freight Services.

13 Beginning with fiscal year 1982 and thereafter, no Road
14 Fund monies shall be appropriated to the following Departments
15 or agencies of State government for administration, grants, or
16 operations; but this limitation is not a restriction upon
17 appropriating for those purposes any Road Fund monies that are
18 eligible for federal reimbursement: Department of Central
19 Management Services, except for awards made by the Illinois
20 Workers' Compensation Commission under the terms of the
21 Workers' Compensation Act or Workers' Occupational Diseases
22 Act for injury or death of an employee of the Division of
23 Highways in the Department of Transportation.

24 Beginning with fiscal year 1984 and thereafter, no Road
25 Fund monies shall be appropriated to the following Departments
26 or agencies of State government for administration, grants, or

1 operations; but this limitation is not a restriction upon
2 appropriating for those purposes any Road Fund monies that are
3 eligible for federal reimbursement:

4 1. Department of State Police, except not more than 40%
5 of the funds appropriated for the Division of Operations;

6 2. State Officers.

7 Beginning with fiscal year 1984 and thereafter, no Road
8 Fund monies shall be appropriated to any Department or agency
9 of State government for administration, grants, or operations
10 except as provided hereafter; but this limitation is not a
11 restriction upon appropriating for those purposes any Road Fund
12 monies that are eligible for federal reimbursement. It shall
13 not be lawful to circumvent the above appropriation limitations
14 by governmental reorganization or other methods.
15 Appropriations shall be made from the Road Fund only in
16 accordance with the provisions of this Section.

17 Money in the Road Fund shall, if and when the State of
18 Illinois incurs any bonded indebtedness for the construction of
19 permanent highways, be set aside and used for the purpose of
20 paying and discharging during each fiscal year the principal
21 and interest on that bonded indebtedness as it becomes due and
22 payable as provided in the Transportation Bond Act, and for no
23 other purpose. The surplus, if any, in the Road Fund after the
24 payment of principal and interest on that bonded indebtedness
25 then annually due shall be used as follows:

26 first -- to pay the cost of administration of Chapters

1 2 through 10 of the Illinois Vehicle Code; and

2 secondly -- no Road Fund monies derived from fees,

3 excises, or license taxes relating to registration,

4 operation and use of vehicles on public highways or to

5 fuels used for the propulsion of those vehicles, shall be

6 appropriated or expended other than for costs of

7 administering the laws imposing those fees, excises, and

8 license taxes, statutory refunds and adjustments allowed

9 thereunder, administrative costs of the Department of

10 Transportation, including, but not limited to, the

11 operating expenses of the Department relating to the

12 administration of public transportation programs, payment

13 of debts and liabilities incurred in construction and

14 reconstruction of public highways and bridges, acquisition

15 of rights-of-way for and the cost of construction,

16 reconstruction, maintenance, repair, and operation of

17 public highways and bridges under the direction and

18 supervision of the State, political subdivision, or

19 municipality collecting those monies, or during fiscal

20 year 2012 only for the purposes of a grant not to exceed

21 \$8,500,000 to the Regional Transportation Authority on

22 behalf of PACE for the purpose of ADA/Para-transit

23 expenses, or during fiscal year 2013 only for the purposes

24 of a grant not to exceed \$3,825,000 to the Regional

25 Transportation Authority on behalf of PACE for the purpose

26 of ADA/Para-transit expenses, or during fiscal year 2014

1 only for the purposes of a grant not to exceed \$3,825,000
2 to the Regional Transportation Authority on behalf of PACE
3 for the purpose of ADA/Para-transit expenses, or during
4 fiscal year 2015 only for the purposes of a grant not to
5 exceed \$3,825,000 to the Regional Transportation Authority
6 on behalf of PACE for the purpose of ADA/Para-transit
7 expenses, and the costs for patrolling and policing the
8 public highways (by State, political subdivision, or
9 municipality collecting that money) for enforcement of
10 traffic laws. The separation of grades of such highways
11 with railroads and costs associated with protection of
12 at-grade highway and railroad crossing shall also be
13 permissible.

14 Appropriations for any of such purposes are payable from
15 the Road Fund or the Grade Crossing Protection Fund as provided
16 in Section 8 of the Motor Fuel Tax Law.

17 Moneys in the Road Fund may be used by the Executive Ethics
18 Commission, subject to appropriation, for expenditures for
19 personal services, retirement, social security, contractual
20 services, legal services, travel, commodities, printing,
21 equipment, electronic data processing, or telecommunications
22 related to the exercise of procurement authority in accordance
23 with the Illinois Procurement Code.

24 Except as provided in this paragraph, beginning with fiscal
25 year 1991 and thereafter, no Road Fund monies shall be
26 appropriated to the Department of State Police for the purposes

1 of this Section in excess of its total fiscal year 1990 Road
2 Fund appropriations for those purposes unless otherwise
3 provided in Section 5g of this Act. For fiscal years 2003,
4 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
5 appropriated to the Department of State Police for the purposes
6 of this Section in excess of \$97,310,000. For fiscal year 2008
7 only, no Road Fund monies shall be appropriated to the
8 Department of State Police for the purposes of this Section in
9 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
10 monies shall be appropriated to the Department of State Police
11 for the purposes of this Section in excess of \$114,700,000.
12 Beginning in fiscal year 2010, no road fund moneys shall be
13 appropriated to the Department of State Police. It shall not be
14 lawful to circumvent this limitation on appropriations by
15 governmental reorganization or other methods unless otherwise
16 provided in Section 5g of this Act.

17 In fiscal year 1994, no Road Fund monies shall be
18 appropriated to the Secretary of State for the purposes of this
19 Section in excess of the total fiscal year 1991 Road Fund
20 appropriations to the Secretary of State for those purposes,
21 plus \$9,800,000. It shall not be lawful to circumvent this
22 limitation on appropriations by governmental reorganization or
23 other method.

24 Beginning with fiscal year 1995 and thereafter, no Road
25 Fund monies shall be appropriated to the Secretary of State for
26 the purposes of this Section in excess of the total fiscal year

1 1994 Road Fund appropriations to the Secretary of State for
2 those purposes. It shall not be lawful to circumvent this
3 limitation on appropriations by governmental reorganization or
4 other methods.

5 Beginning with fiscal year 2000, total Road Fund
6 appropriations to the Secretary of State for the purposes of
7 this Section shall not exceed the amounts specified for the
8 following fiscal years:

9	Fiscal Year 2000	\$80,500,000;
10	Fiscal Year 2001	\$80,500,000;
11	Fiscal Year 2002	\$80,500,000;
12	Fiscal Year 2003	\$130,500,000;
13	Fiscal Year 2004	\$130,500,000;
14	Fiscal Year 2005	\$130,500,000;
15	Fiscal Year 2006	\$130,500,000;
16	Fiscal Year 2007	\$130,500,000;
17	Fiscal Year 2008	\$130,500,000;
18	Fiscal Year 2009	\$130,500,000.

19 For fiscal year 2010, no road fund moneys shall be
20 appropriated to the Secretary of State.

21 Beginning in fiscal year 2011, moneys in the Road Fund
22 shall be appropriated to the Secretary of State for the
23 exclusive purpose of paying refunds due to overpayment of fees
24 related to Chapter 3 of the Illinois Vehicle Code unless
25 otherwise provided for by law.

26 It shall not be lawful to circumvent this limitation on

1 appropriations by governmental reorganization or other
2 methods.

3 No new program may be initiated in fiscal year 1991 and
4 thereafter that is not consistent with the limitations imposed
5 by this Section for fiscal year 1984 and thereafter, insofar as
6 appropriation of Road Fund monies is concerned.

7 Nothing in this Section prohibits transfers from the Road
8 Fund to the State Construction Account Fund under Section 5e of
9 this Act; nor to the General Revenue Fund, as authorized by
10 this amendatory Act of the 93rd General Assembly.

11 The additional amounts authorized for expenditure in this
12 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
13 shall be repaid to the Road Fund from the General Revenue Fund
14 in the next succeeding fiscal year that the General Revenue
15 Fund has a positive budgetary balance, as determined by
16 generally accepted accounting principles applicable to
17 government.

18 The additional amounts authorized for expenditure by the
19 Secretary of State and the Department of State Police in this
20 Section by this amendatory Act of the 94th General Assembly
21 shall be repaid to the Road Fund from the General Revenue Fund
22 in the next succeeding fiscal year that the General Revenue
23 Fund has a positive budgetary balance, as determined by
24 generally accepted accounting principles applicable to
25 government.

26 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,

1 eff. 6-19-13; 98-674, eff. 6-30-14.)

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect July 1,
5 2015.